

FILED BY *[Signature]* D.C.

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

Lazaro Despaigne Borrero)
v.)
Plaintiff,)
v.)
Timothy Smart, Will Lowery, Paul)
Romesburge, Derrell Conner, T.C. Outlaw,)
P. Bartley)
Defendant(s))

Case No. 2:05cv2465-MI/V

ORDER DENYING DEFAULT JUDGMENT

On September 9, 2005, Plaintiff Lazaro Despaigne Borrero, submitted motion for default judgment against all Defendants.

Entry of Default may be entered when party whom a judgment is sought has failed to plead or otherwise provided and fact is made to appear by affidavit or otherwise pursuant to FRCvP 55 (a).

Default Judgment is therefore **DENIED** as there has been no Service of Process or Entry of Default as to the Defendant(s).

Entered this 14th day of October, 2005.

THOMAS M. GOULD
Clerk of Court

By:

[Signature]
Deputy Clerk

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Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 2:05-CV-02465 was distributed by fax, mail, or direct printing on October 14, 2005 to the parties listed.

Lazaro Despaigne Borrero
12973-074
Federal Correctional Institution
P.O. Box 34550
Memphis, TN 38184--055

Honorable Jon McCalla
US DISTRICT COURT